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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Arab Court of Human Rights

Arab organizations are extremely concerned that the entire process of reform of the League of Arab states, including the Arab Court of Human Rights, has been conducted behind closed doors and through opaque procedures that contravene basic principles of inclusive participation and transparency. Despite the several efforts by civil society organizations in advocating and presenting recommendations on the draft Arab statute, none of these recommendations were taken into account in the latest version of the draft statute.

Among the recommendations presented by independent human rights group was to ensure that all individuals within the territory of a State party, or subject to its jurisdiction, can have access to the Arab Court when they claim to be a victim of a violation, by any of the State parties, that falls under the jurisdiction of the Court. Furthermore, the organizations demanded that States do not hinder access to the Court, in particular by providing for the effective protection of victims and other participants in the proceedings and by ensuring that they are not subjected to any form of pressure or reprisals as a result of their participation in proceedings before the court. In addition, all NGOs, and not only accredited NGOs must be able to access the Arab Court and to join proceedings as interested parties or to submit information as amicus curiae or through expert opinions.

Arab organizations strongly condemn the lack of effective consultation with independent human rights organizations and civil society organizations. The undersigned organizations believe that in the absence of such consultation, and the restriction to the input of LAS member states only, the purpose of the court as a human rights protection mechanism remains highly questionable.

We note that the Manama conference that started today cannot be considered as a consultation with civil society organizations if the statute has already been adopted and the location of the Court already decided.

We call upon member states of the League of Arab States to re-discuss the location of the Arab Court for Human Rights, as the organizations believe that Manama cannot be considered a suitable place to host the court due to the ongoing human rights violations as well as the restrictions imposed by the authorities on the relevant stakeholders, including NGOs, and individuals.

Also call upon member states to reject the draft statue in its current form, and refer it back to the expert committee and to ensure effective consultations not only with representatives of the LAS member states but also national and global civil society organizations, members of the bar and judiciary, academic and independent experts and other interested stakeholders.

We note with worry that since the start of the popular uprising of February 2011, the Bahrain authorities have continued to crack down on fundamental human rights such as the right to freedom of expression, assembly, and association. The Bahraini authorities have fail in their promises of implementing the BICI recommendations, including the release all prisoners of conscience, ending torture and arbitrary detention, and bringing officials responsible for human rights violations to justice. Khiam center & Arab NGO's strongly deplore the ongoing human rights violations in Bahrain and stress that the participation of our organizations in the Manama conference can in no way be considered an endorsement to the repressive policy of the Bahraini authorities.